

April 12, 2004

Willie Logan
18870 N.W. 53rd Place
Opa-Locka, Florida 33055

RE: REQUEST FOR ADVISORY OPINION 04-42

Dear Mr. Logan:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on April 7, 2004 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding any potential conflicts of interest if you were to run as a candidate for the Board of County Commissioners and be elected to serve as a County commissioner.

In your letter, you advised the Commission that the Opa-Locka Community Development Corporation is a not-for-profit corporation whose mission is to enhance the quality of life for the Opa-Locka community by the development of affordable housing and other economic development projects and initiatives. As President and CEO, you provide leadership and direction to accomplish the corporation's goals and are responsible for overseeing the planning, staffing, budgeting, public information, resource development and monitoring of the organization's operation.

The Opa-Locka Community Development Corporation is currently involved in several County funded projects including the Opa-Locka Industrial Airpark, the Stadium Corners Shopping Center, the Aswan Apartments renovation and the Westview Terrace renovation. The Opa-Locka Community Development Corporation transacts business with several county agencies including the Miami-Dade Housing Agency, the Office of Community and Economic Development, the Housing Finance Authority and the Urban Revitalization Task Force.

As part of the agency's business with the county, Opa-Locka Community Development Corporation staff meets with County staff to negotiate contracts and other matter. The staff may also meet with staff and officials to discuss policy issues that impact the CDC's activities and initiatives.

The Commission found The Conflict and Code of Interest may restrict your activities with Miami-Dade County in several ways including voting on certain matters, prohibited appearances and payments and transacting business if you are elected to the Board of County Commissioners. As a candidate, you are not covered by the Conflict of Interest and Code of Ethics ordinance.

As a County Commissioner, you may not vote on any matter regarding the Opa-Locka Community Development Corporation. Section 2-11.1(d) of the Code of Miami-Dade County prohibits commissioners from voting or participating in any way in any matter presented to the City Commission if said person has any of the following relationships with any of the persons or entities which would be or might be directly or indirectly affected by any action of the City Commission: (i) officer, director, partner, of counsel, consultant, employee fiduciary or beneficiary or (ii) stockholder, bondholder, debtor or creditor, if in any instance the transaction or matter

would affect the person defined in subsection (b)(1) in a manner distinct from the manner in which it would affect the public generally. The prohibition against voting on matters affecting the Opa-Locka Community Development Corporation may extend to policy matters where the Opa-Locka Community Development Corporation will benefit in a unique way.

Section 2-11.1(m)(1) also prohibits you from appearing before any county board or agency and requesting funding for the Opa-Locka Community Development Corporation. Section 2-11.1(m)(1) provides " No person included in the terms defined in subsections (b)(1), (5) and (6)(commissioners, departmental personnel and employees) shall appear before any County board or agency and make a presentation on behalf of a third person, with respect to any license, contract, certificate, ruling, decision, opinion, rate schedule, franchise or other benefit sought by the third person." Section 2-11.1 therefore prohibits You from appearing before any board, including a committee of county employees, and requesting any benefit for the Opa-Locka Community Development Corporation. A "benefit" in this context would include negotiations regarding loan or grant terms, extension and forbearance of loan deadlines and other issues between the Community Development Corporation and any County agency or department.

Section 2-11.1(m)(1) further prohibits you from accepting compensation from the Opa-Locka Community Development Corporation from any dollars received from a county agency. Section 2-11.1(m)(1) states that "Nor shall any person receive compensation, directly or indirectly or in any form for services rendered to a third person, who has applied for or is seeking some benefit from the County or a County agency in connection with the particular benefit sought by the third person." This section prohibits the Opa-

Locka Community Development Corporation from paying you out of any funds received from a county department or agency.

Moreover, in order to avoid any appearance of a conflict, you should abstain from drafting any funding proposal for presentation to a county department or agency. Additionally, you should not act as the signatory for the agency on any contracts or other agreements between the Opa-Locka Community Development Corporation and Miami-Dade County.

Finally, you may not target county vendors or contractors or those seeking county business in soliciting private contributions for the Opa-Locka Community Development Corporation.

This opinion is intended as a general guide only. If you are elected, you should request an advisory opinion regarding any specific situation that may constitute a conflict of interest.

This opinion construes the Miami-Dade Conflict of Interest and Code of Ethics ordinance only and is not applicable to any conflict under state law. Please contact the State of Florida Commission on Ethics if you have any questions regarding possible conflicts under state law.

If you have any questions regarding this opinion, please call Ardyth Walker, Staff General Counsel at (305) 350-0616 or the undersigned at (305) 579-2594.

Sincerely Yours,

ROBERT MEYERS
Executive Director

